

**MILWAUKIE CITY COUNCIL  
REGULAR SESSION  
DECEMBER 20, 1999**

The one thousand eight hundred and twenty-ninth meeting of the Milwaukie City Council was called to order by Mayor Tomei at 8:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Rob Kappa  
Mary King

Larry Lancaster  
Jeff Marshall

Also present:

Dan Bartlett,  
City Manager

Martha Bennett,  
Assistant City Manager

Charlene Richards,  
Assistant City Manager

Sue Stepan,  
Public Works Director

**CONSENT AGENDA**

**It was moved by Councilor Kappa and seconded by Councilor King to adopt the Consent Agenda that consisted of:**

1. City Council Minutes of December 7, 1999; and
2. Liquor License Application for Vic's Tavern.

**Motion passed unanimously.**

**AUDIENCE PARTICIPATION**

**Roslyn Worsley**, 4722 SE Jackson Street. As a 13-year old Milwaukie student active in sports, she supported developing the Milwaukie Middle School site as a youth recreation facility. Many people reject the idea of apartments on that site, and she hoped to see the recreation and youth center a reality in the future.

**Joe Loomis**, 3610 SE Filbert Street. Members of Milwaukie Junior Baseball, Milwaukie Soccer, North Clackamas Junior Softball, Milwaukie Youth Basketball, Milwaukie Youth Football, and supporters of the outdoor swimming pool have formed an organization called Kids First of Milwaukie. The mission of the group is to preserve and improve the Milwaukie Middle School site for youth-related sports and activities. The group also supports returning the management and operation of city-owned parks and properties to the Milwaukie Park and Recreation Board. Kids First of Milwaukie was seeking Milwaukie City Council support and suggestions for financing development and improvements to the City's recreational facilities.

**Alex Walsh**, 4970 SE Casa del Rey. He supported the Kids First of Milwaukie proposal. Youth sports have very limited field and court time to do anything other than practice and play league games, and he believed youth needed to have greater access to facilities to simply have fun.

**Richard Cayo**, 4203 SE Johnson Creek Blvd. He discussed the Mayor's recent Portland State University training and the written response to his question asking how spending \$2,485 benefited the citizens. Even though the City Council approved the expenditure, he felt \$500 per day was an extravagance. He thought the Mayor should be ashamed for having done this and suggested the Mayor and City Manager were running Milwaukie as if it were their kingdom. The Safeway site will cost the City \$500,000; Crandall's contract is about \$250,000; the Cobb property cost \$1.3 million; and the Lowry cost about \$500,000. He asked why the City could not take care of a problem like the "lake" at the intersection of 42<sup>nd</sup> Avenue and Roswell Street. He had read in the City newsletter that the City was going to raise its monthly storm water fee from \$4 to \$6. Why does a tax that has been in effect for only two years need to be raised by 50%? This type of issue is very discouraging for the tax payer.

**Councilor Kappa** stated for clarification, that the storm water fee went into effect about five years ago.

**Bartlett** said staff would prepare a written response to Mr. Cayo's comments. He also clarified that the 42<sup>nd</sup> Avenue and Roswell Street intersection was part of the Johnson Creek Blvd. improvement project. The City received grant funds to install curbs and gutters on Roswell.

## **OTHER BUSINESS**

### **Brookside Sewage Pump Station Reconstruction Project**

**Bennett** discussed Milwaukie's connection to the Portland Lents line. If Milwaukie does not complete this project as soon as possible, Portland may charge \$750,000 in connection fees. Portland extended the diversion deadline from October 31, 1999, to allow pump house construction.

The original bid awarded to 4 Rivers Construction did not include the cost of the telemetry system priced at \$15,360. Staff reviewed the bid documents and determined that the section relating to telemetry was confusing and may have been misinterpreted by the contractor.

The engineering plans called for a pump station enclosure. However, after it was installed, the crew found it was too small to perform routine maintenance on the pumps. This problem could be resolved by constructing a small building around the pumps. The engineer's estimate for this structure is \$20,000.

**Bennett** requested that the City Council increase the bid award amount for the Brookside Project so staff could carry out further negotiations. Because of the agreement with the City of Portland, it is important for Milwaukie to show that it is continuing its work on the project.

**Councilor Kappa** asked if the increase was being requested in order to offset the contractor's error in his bid.

**Bennett** said the section relating to telemetry was not as clear as it should have been in the project specifications.

**Councilor King** asked why the cover was not large enough.

**Bennett** explained that the operations crew could not leverage the cover enough to maintain the station and added it was an error that should have been caught.

**Councilor Lancaster** asked for clarification if the telemetry omission was in part due to the bid document language.

**Bennett** said that was correct. It was the first bid staff developed that included telemetry, and future documents will be reviewed more closely.

**Councilor Lancaster** asked if the cover was designed by the contractor.

**Bennett** responded that it was designed by the City's engineering firm. Staff will address the issue with the firm, but she was concerned about Portland's asking for a \$750,000 payment. The City can negotiate for a re-design of the building.

**Councilor Lancaster** noted that the approximately \$35,360 to cover the cost of telemetry and construction of the building will come from the sewer capital improvement budget line. He asked if that would reduce the amount the City could spend on other projects.

**Bennett** explained that the contractor's bid was lower than the engineer's estimate, so no other projects would be cut.

**Councilor Kappa** expressed his concern with the engineering firm and the apparent communication failure.

**Councilor Marshall** pointed out that contractors are responsible for having a clear understanding of the bid specifications.

**It was moved by Councilor King and seconded by Councilor Kappa to authorize an increase in the bid award amount for the Brookside Sewage Pump Station Reconstruction Project by \$35,360. Motion passed unanimously.**

**Councilor Marshall** moved for a friendly amendment to the motion that the City of Milwaukie must have some concessions, or it cannot be done.

**Councilor King and Councilor Kappa accepted the amendment. Motion passed unanimously.**

### **Other Items**

**Councilor Marshall** said it was very difficult listening to people meeting after meeting voicing their concerns and making inaccurate statements that generally misinform the public about things transpiring in the City. He hoped the majority of citizens would take the time to understand what is going on in the City rather than accepting an explanation of events construed to someone's benefit.

**Mayor Tomei** added that the Council agreed as a group to show restraint and not argue with the public. A lack of response does not mean the City Council concurs with the comments.

**Councilor Kappa** suggested a work session with the North Clackamas #12 School Board to discuss the Milwaukie Middle School site and service responsibilities.

**Councilor King** agreed. It is clear that Milwaukie needs not only playing fields, but also a facility for children, youth, and others in the community.

**Councilor Lancaster** was interested in expanding after school activities and suggested involving the Park and Recreation Board to maximize scarce resources.

**Councilor Kappa** felt the School Board had a responsibility to work with the City Council.

**Bartlett** said planning for the Middle School site will be specific within the overall plan. Staff participated in a brainstorming exercise, and the Milwaukie Downtown Development Association (MDDA) is working with the arts and crafts community. There are many groups interested in the site, and it is important to look at compatible uses and to identify funding options. The School District has declared the site surplus and wants an economic return with an unrestricted cash stream, and that might mean the District will go to the private sector. He explained that the site appraisal was jointly funded by the City and District. There will be stakeholder meetings on January 26 and February 2, 2000, to look at what is feasible. The City has not moved irrevocably toward one specific use.

**Councilor Kappa** recommended that the elected School Board members be invited to those meetings, so they can hear constituent concerns.

**Bartlett** added that staff would schedule an executive session with the School Board.

**Councilor Lancaster** acknowledged those residents who were involved with their City government by watching the City Council meetings on cable access.

**It was moved by Councilor King and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously.**

**Mayor Tomei** adjourned the meeting at 8:40 p.m.

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Pat DuVal, Recorder